

1 TIFFANY & BOSCO, P.A.  
2 Gregory L. Wilde, Esq.  
3 Nevada Bar No. 004417  
4 212 South Jones Boulevard  
5 Las Vegas, Nevada 89107  
6 Telephone: 702 258-8200  
7 Fax: 702 258-8787

8 Wells Fargo Bank N.A. successor by merger to Wells Fargo Home Mortgage, Inc.  
9 08-73508

10 **UNITED STATES BANKRUPTCY COURT**  
11 **DISTRICT OF NEVADA**

12 In Re:

08-14781-lbr

13 Orville P. Flores and Maria Victoria G Flores

Order No.:

Chapter 13

14 Debtors

15 **AMENDED DECLARATION RE: BREACH OF CONDITION**

16 STATE OF SC )  
17 )ss.

COUNTY OF York )

18 I, Teresa Diaz-Cochran, under the penalty of perjury of the United States, declare and state:

19 1. As to the following facts, I know them to be true of my personal knowledge, and if called  
20 upon to testify in this action, I could and would testify competently thereto.

21 2. I am an employee of Wells Fargo Bank N.A. successor by merger to Wells Fargo Home  
22 Mortgage, Inc., Secured Creditor herein, and am most familiar with the loan and the bankruptcy case.

23 3. The real property subject to the Deed of Trust is commonly described as 4327 Mesa  
24 Landing Ave. , North Las Vegas, NV 89085 and legally described as follows:

25 The land referred to in this Commitment is situated in the City of North Las Vegas, county of Clark,  
26 Start of Nevada and is described as follows:

Parcel I:

Lot 128 of Grand Teton/Valley NW 80 R1-60 No. 1, as shown by map thereof on file in Book 121  
of Plats, page 26, in the Office of the County Recorder of Clark County, Nevada and amended by  
Certificate of Amendment recorded January 14, 2005 in Boom 20040114 as Document No. 04106

and amended by Certificate of Amendment recorded June 16, 2005 in Book 20050616 as Document No. 0001448.

Parcel II:

An easement for ingress and egress over private streets and common areas as shown and delineated on said map.

4. I have examined the document entitled "Order Regarding Adequate Protection", a copy of which is attached hereto and marked as Exhibit "A" and incorporated herein by reference. I represent my personal knowledge as to whether the Debtors have complied with the requirements of said Order.

5. Pursuant to the aforementioned Order, the Debtors would have fifteen (15) days from the date of this Declaration in which to cure the delinquencies due. If upon the 16<sup>th</sup> day, Debtors failed to so cure those delinquencies, the automatic Stay Order would be vacated and extinguished as to this Secured Creditor.

6. As of the date of this Declaration, the Debtors have not made the payments as required by the aforementioned Order. The Debtors are presently past due as follows:

2 Monthly Payments at \$1,971.70	\$3,943.40
(March 1, 2011 - April 1, 2011)	
1 Late Charge	\$82.76
(March 1, 2011)	
1 Adequate Protection Charge	\$1,209.81
(March 20, 2011)	
Attorneys Fees	\$50.00
Suspense Amount	(\$137.41)
Total	\$5,148.56

7. Debtors are responsible for the subsequent payments that will come due during this Breach period:

- a. 0 Monthly Payments
- b. 1 Stipulated payment at \$1,209.81

**PARTIAL TENDERS WILL NOT BE ACCEPTED**

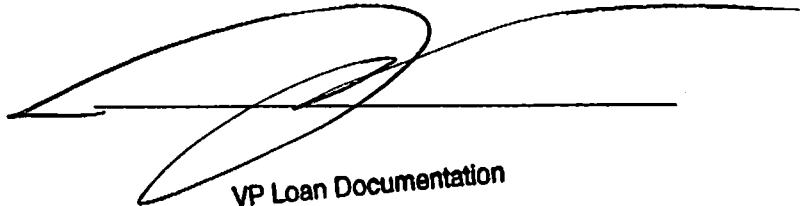
8. Due to Debtors' failure to timely and properly comply with the Order as set forth hereinabove, Secured Creditor has been forced to incur additionally attorneys' fees to obtain relief from the Stay Order to take possession of its real property.

1 9. These attorneys' fees are in addition to attorneys' fees incurred prior to the non-compliance  
2 and are now owing to Secured Creditor from Debtors pursuant to the Deed of Trust.  
3

4 10. Should the Debtor cure the default, the Debtors must forward the funds to:

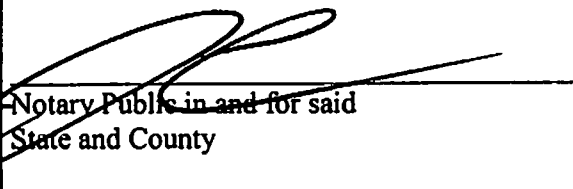
5 GREGORY L. WILDE, ESQ.  
6 TIFFANY & BOSCO, P.A  
7 212 South Jones Boulevard  
Las Vegas, Nevada 89107

8 I declare under penalty of perjury that the foregoing is true and correct.  
9

10   
11  
12 VP Loan Documentation

13 SUBSCRIBED and SWORN to before me  
14 this 13 day of April, 2011

Teresa Diaz-Cochran

15   
16 Notary Public in and for said  
State and County

17  
18 JOSHUA M. PLUMMER  
19 NOTARY PUBLIC  
20 SOUTH CAROLINA  
21 MY COMMISSION EXPIRES 8-12-2020  
22  
23  
24  
25  
26

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Entered on Docket  
November 09, 2010

  
Hon. Linda B. Riegler  
United States Bankruptcy Judge

**WILDE & ASSOCIATES**

Gregory L. Wilde, Esq.

Nevada Bar No. 004417

212 South Jones Boulevard

Las Vegas, Nevada 89107

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Fax: 702 258-8787

Wells Fargo Bank N.A. successor by merger to Wells Fargo Home Mortgage, Inc.  
08-73508

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In Re:

Orville P. Flores and Maria Victoria Flores

Debtors.

BK-S-08-14781-lbr

MS Motion No. 65

Date: October 4, 2010

Time: 10:30 AM

Chapter 13

**ORDER RE ADEQUATE PROTECTION**

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and pleadings on file herein and good cause appearing therefor,

Exhibit A

1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtors will cure the  
2 post-petition arrearages currently due as follows:

3 3 Monthly Payments(s) at \$2,036.85	\$6,110.55
4 (August 1, 2010 - October 1, 2010)	
5 3 Late Charge(s) at \$82.76	\$248.28
6 (August 1, 2010 - October 1, 2010)	
7 Motion for Relief Filing Fee	\$150.00
8 Attorneys Fees	\$750.00
9 Total	\$7,258.83

10 The total arrearage shall be paid in six monthly installments. Payments one through five  
11 (1-5) in the amount of \$1,209.81 shall be in addition to the regular monthly payment and shall be  
12 due on or before the 20th day of the month commencing with the November 20, 2010 payment  
13 and continuing throughout and concluding on or before March 20, 2010. The sixth final payment  
14 in the amount of \$1,209.78 shall be paid on or before April 20, 2011.

15 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtors shall resume  
16 and maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan,  
17 beginning with the October 1, 2010, payment, on Secured Creditor's Trust obligation,  
18 encumbering the subject Property, generally described as 4327 Mesa Landing Ave North Las  
19 Vegas, NV 89085, and legally described as follows:

20 Parcel I:  
21 Lot 128 of Grand Teton/Valley NW 80 R1-60 No. 1, as shown by map thereof on file in  
22 Book 121 of Plats, page 26, in the Office of the County Recorder of Clark County, Nevada  
23 and amended by Certificate of Amendment recorded January 14, 2005 in Boom 20040114  
24 as Document No. 04106 and amended by Certificate of Amendment recorded June 16,  
25 2005 in Book 20050616 as Document No. 0001448.

26 Parcel II:  
27 An easement for ingress and egress over private streets and common areas as shown and  
28 delineated on said map.

29 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtors fail to make  
30 any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured  
31 Creditor's Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file  
32 and serve upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of  
33 Condition. For each such Declaration Re Breach of Condition filed, there shall be assessed an  
34 attorney fees of \$100.00, to be paid by the Debtors upon any reinstatement.

1 If upon the sixteenth (16th) day Debtors have failed to cure the delinquency, then Secured  
2 Creditor may submit to this Court an Order vacating the automatic stay as to Secured  
3 Creditor, and Secured Creditor may thereafter proceed with foreclosure proceedings upon the  
4 subject Property, pursuant to applicable State Law, and take any action necessary to obtain complete  
5 possession thereof.

6 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor  
7 shall give Debtors at least fourteen business days' notice of the time, place and date of sale.

8  
9  
10 Submitted by:

11 WILDE & ASSOCIATES

12  
13 By 

14 GREGORY L. WILDE, ESQ.

15 Attorneys for Secured Creditor

16 212 South Jones Boulevard

17 Las Vegas, Nevada 89107

18 APPROVED AS TO FORM & CONTENT:

19 Kathleen A Leavitt

20 By 

21 Kathleen A Leavitt

22 Chapter 13 Trustee

23 201 Las Vegas Blvd., So. #200

24 Las Vegas, NV 89101

George Haines

By \_\_\_\_\_

George Haines

Attorney for Debtors

1020 Garces Avenue

Las Vegas, NV 89101

25 Nevada Bar No. \_\_\_\_\_

26

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9  
10 Submitted by:

11 WILDE & ASSOCIATES

12  
13 By GREGORY L. WILDE, ESQ.  
14 Attorneys for Secured Creditor  
15 212 South Jones Boulevard  
Las Vegas, Nevada 89107

16 APPROVED AS TO FORM & CONTENT:

17 Kathleen A Leavitt

18 By \_\_\_\_\_  
19 Kathleen A Leavitt  
20 Chapter 13 Trustee  
21 201 Las Vegas Blvd., So. #200  
Las Vegas, NV 89101

George Haines

By George Haines  
George Haines  
Attorney for Debtors  
1020 Garces Avenue  
Las Vegas, NV 89101

22  
23 Nevada Bar No. \_\_\_\_\_  
24  
25  
26

1 In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately  
2 reflects the court's ruling and that (check one):

3 ☐ The court has waived the requirements set forth in LR 9021(b)(1).

4 ☐ No party appeared at the hearing or filed an objection to the motion.

5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and  
6 any unrepresented parties who appeared at the hearing, and each has approved or  
7 disapproved the order, or failed to respond, as indicated below [list each property and  
8 whether the party has approved, disapproved, or failed to respond to the document]:

9 ☒ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the  
10 motion pursuant to LR 9014(g), and that no party has objected to the form or content of the  
11 order.

12 Debtor's counsel:

13 ☒ approved the form of this order ☐ disapproved the form of this order

14 ☐ waived the right to review the order and/or ☐ failed to respond to the document

15 ☐ appeared at the hearing, waived the right to review the order

16 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

17 Trustee:

18 ☒ approved the form of this order ☐ disapproved the form of this order

19 ☐ waived the right to review the order and/or ☐ failed to respond to the document

20 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all  
21 counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented  
22 parties who appeared at the hearing, and each has approved or disapproved the order, or failed to  
23 respond, as indicated below.

24 Debtor's counsel:

25 ☐ approved the form of this order ☐ disapproved the form of this order

26 ☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ appeared at the hearing, waived the right to review the order

☐ matter unopposed, did not appear at the hearing, waived the right to review the order

Trustee:

☐ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed  
written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor

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14 In Re:

08-14781-lbr

15 Orville P. Flores and Maria Victoria G Flores

Order No.

Chapter 13

16 Debtors.

17 **CERTIFICATE OF MAILING OF**  
18 **DECLARATION RE BREACH OF CONDITION**

19 1. On 4/20/2011 I served the following document(s):

20 AMENDED DECLARATION RE: BREACH OF CONDITION

21 2. I served the above-named document(s) by the following means to the persons as listed below:

22 X a. ECF System

23 George Haines  
24 ghaines@HainesandKrieger.com  
25 Attorney for Debtors

26 Kathleen A Leavitt  
courtsecf3@las13.com  
Trustee

1  
2  
3 **X b. United States mail, postage fully prepaid:**

4 Orville P. Flores and Maria Victoria G Flores  
5 4327 Mesa Landing Ave.  
6 North Las Vegas, NV 89085  
7 Debtors

8 ☐ **c. Personal Service** (List persons and addresses. Attach additional paper if necessary)

9 I personally delivered the document(s) to the persons at these addresses:

10 ☐ 1. For a party represented by an attorney, delivery was made by handing the  
11 document(s) to the attorney's office with a clerk or other person in charge, or if no one is charge  
12 by leaving the document(s) in a conspicuous place in the office.

13 N/A

14 ☐ 2. For a party, delivery was made by handing the document(s) to the party or  
15 by leaving the document(s) at the person's dwelling house or usual place of abode with someone  
16 of suitable age and discretion residing there.

17 N/A

18 ☐ **d. By direct mail (as opposed to through the ECF System)**

19 *(List persons and email addresses. Attach additional paper if necessary)*

20 Based upon the written assignment of the parties to accept service by email or a court order. I  
21 caused the document(s) to be sent to the persons at the mail addresses listed below. I did not  
22 receive, within a reasonable time after the transmission, any electronic message or other  
23 indication that the transmission was unsuccessful.

24 ☐ **e. By fax transmission** *(List persons and fax numbers. Attach additional paper if necessary)*

25 Based upon the written assignment of the parties to accept service by fax transmission or  
26 a court order. I faxed the document(s) to the persons at the fax numbers listed below. No error  
was reported by the fax machine that I used. A copy of the record of the fax transmission is  
attached.

1           ☐ **f. By messenger** *(List persons and addresses. Attach additional paper if necessary)*

2                 I served the document(s) by placing them in an envelope or package addressed to the  
3 persons at the addresses listed below and providing them to a messenger for service.  
4 *( A declaration by the messenger must be attached to this Certificate of Service).*  
5

6           **I declare under penalty of perjury that the foregoing is true and correct.**

7  
8 Signed on :

